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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/494,067 01/28/00 KALLURI

R OPTVP009

021912 WM02/0730
RITTER VAN PELT & YI, L.L.P.
4906 EL CAMINO REAL
SUITE 205
LOS ALTOS CA 94022

EXAMINER

MILLER, J

ART UNIT

PAPER NUMBER

2611

DATE MAILED:

07/30/01

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

OL

Office Action Summary

Application No.
09/494,067

Applicant(s)
Kalluri et al

Examiner
John W. Miller

Art Unit
2611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-7, 9-11, 14, 17-20, 22-24, 29-32, and 34-36 is/are rejected.
- 7) ☒ Claim(s) 1-3, 8, 12, 13, 15, 16, 21, 25-28, and 33 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 20) ☐ Other: _____

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-3, 8, 25, 27, 28, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Rasmussen (US 5,995,146).

As to claim 1, note the Rasmussen reference which discloses a video communications system for transmitting video data between a plurality of transmitting nodes and one or more receiving nodes 60. Particularly, the combiner 70, Figures 1 and 4, receives transport streams from several locations which have been packetized as service data units and arranged for transmission as the payloads of ATM cells. The program information data associated with transport stream cells allow the combiner 70 to determine the source of the picture data and to separate the different MPEG video channels. The cells are thus sorted into appropriate memory locations, and the elementary stream (ES) payloads and necessary header information are extracted. As set forth in Figure 4 and the disclosure of col. 6, lines 29+, the combiner 70 operates such that following de-packetization, the sequence context information reader 74 reads the sequence context information which was inserted into the encoded picture data. The sequence

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context information includes picture size and location information, and other coding parameters. (Note the disclosure of col. 6, lines 8-20, which makes clear that prior coding process creates an ES having ES headers with reference display locations and macroblock headers with relative display locations---that is, relative to the header or to prior slices.) The memory 76 stores the encoded picture data for each transport stream, and the context information inserter 78 inserts the appropriate sequence context information into the ordered encoded picture data. The sequence context information is inserted into the ES header 220 for the combined pictures (Figure 5B), and specifies coding information such as frame rate, aspect ratio, size, and display location for the combined picture. The combiner 70 thus carries out the claimed steps of determining..., modifying..., and interleaving... into a composite video stream.

As to claims 2 and 3, MPEG-2 defines MBAI VLCs or SSCs as display position codes. The reference clearly specifies coding using MPEG-2.

Claim 8 is met by that discussed above.

Claims 25, 27, 28, and 33 are met by that discussed above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 12, 13, 15, 16, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (US 5,995,146).

As to claim 12, the reference does not explicitly disclose an interactive decoder, such as that in communication with a broadcast center in a video distribution network. However, the reference does disclose that the combiner 70, which was disclosed as part of the receiving node 60, could be arranged as a shared network resource which generates a new transport stream and an ATM cell specifying the address(es) of the receiving node(s), col. 6, lines 48-53. This arrangement would be consistent with that used in an interactive video distribution network.

Therefore, the examiner submits that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to adapt the Rasmussen teachings to the interactive video distribution environment to allow for the simultaneous delivery of multiple video sequences to the user without the need for sophisticated or costly picture-in-picture elements.

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Claims 13, 15, 16, and 21 are met by that discussed above.

Allowable Subject Matter

5. Claims 4-7, 9-11, 14, 17-20, 22-24, 29-32, and 34-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or fairly suggest MBAI VLCs which contains 3 bits having a corresponding increment value of one of 2 and 3, the modification of the display position code to maintain its bit-alignment within a byte, the modification of the display position code such that a resulting modified MBAI VLC has a modified number of bits (wherein the modified number of bits modulo 8 equals the original number of bits modulo 8, and the modification of the display position code such that a resulting modified MBAI VLC includes a selectively added number of stuffing codes ranging from 0 to 7.

Conclusion

7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual

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who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) _____ - _____ on _____.
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

8. Any response to this action should be:

(a) mailed to: Commissioner of Patents and Trademarks

Washington, D.C. 20231

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(b) or faxed to: (703) 872-9314 for either formal communications intended for entry, or informal or draft communications (please label "PROPOSED" or "DRAFT")

(c) or hand-delivered to: Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John W. Miller whose telephone number is (703) 305-4795. The examiner can normally be reached on Monday through Friday from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached at (703) 305-4380. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

John W. Miller

July 28, 2001


John W. Miller
Primary Examiner
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